

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Barry Aubrey Budbill

Docket No. 4:10-CR-102-1FL

Petition for Action on Supervised Release

COMES NOW Josh J. Cantafio, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Barry Aubrey Budbill, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute a Quantity of Cocaine, 21 U.S.C. § 846, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on December 12, 2011, to the custody of the Bureau of Prisons for a term of 32 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Barry Aubrey Budbill was released from custody on October 29, 2013, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

A urine specimen collected from the defendant on June 3, 2016, was determined by the national laboratory to be positive for cocaine and marijuana. On June 22, 2016, the undersigned probation officer confronted the defendant regarding the violation. Budbill signed an admission form indicating he last used cocaine and marijuana on or about June 1, 2016. The defendant apologized for his conduct and had difficulties explaining his actions.

Budbill has continued to make progress during the term of supervision. He has maintained gainful employment and has not received any new charges. Additionally, Budbill continues to participate in substance abuse counseling at the Community Wellness Center in New Bern, North Carolina. As a sanction for the violation, the probation officer respectfully recommends the conditions of supervised release be modified to include a 30 day term of home confinement, with location monitoring. In consideration of the defendant's financial status, it is recommended the government pay for the monitoring service. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Josh J. Cantafio
Josh J. Cantafio
U.S. Probation Officer
413 Middle Street, Room 304
New Bern, NC 28560-4930
Phone: 252-638-4944
Executed On: July 8, 2016

ORDER OF THE COURT

Considered and ordered this 8th day of July, 2016, and ordered filed and
made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge